

A bill for an act

relating to transportation; modifying or adding provisions relating to transportation construction impacts on business, rest areas, highways, bridges, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; requiring a report; making technical and clarifying changes; amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008, chapter 287, article 1, section 122; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, sections 13.721, subdivision 4; 169.041, subdivisions 3, 4; 221.0355, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2009 Supplement, section 160.165, is amended to read:

160.165 MITIGATING TRANSPORTATION CONSTRUCTION IMPACTS ON BUSINESS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "project" means construction work to maintain, construct, reconstruct, or improve a street or highway or for a rail transit project;

(2) "substantial business impacts" means impairment of road access, parking, or visibility for one or more business establishments as a result of a project, for a minimum period of one month; and

(3) "transportation authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; ~~and~~ statutory or home rule charter cities, as to city streets; the Metropolitan Council, for rail transit projects located entirely within the metropolitan area as defined in section 473.121, subdivision 2; and the commissioner, for all other rail transit projects.

Subd. 2. **Business liaison.** (a) Before beginning construction work on a project, a transportation authority shall identify whether the project is anticipated to include substantial business impacts. For such projects, the transportation authority shall designate an individual to serve as business liaison between the transportation authority and affected businesses.

(b) The business liaison shall consult with affected businesses before and during construction to investigate means of mitigating project impacts to businesses. The mitigation considered must include signage. The business liaison shall provide information to the identified businesses before and during construction, concerning project duration and timetables, lane and road closures, detours, access impacts, customer parking impacts, visibility, noise, dust, vibration, and public participation opportunities.

Subd. 3. **Exception.** This section does not apply to construction work in connection with the Central Corridor light rail transit line that will connect downtown Minneapolis and downtown St. Paul.

EFFECTIVE DATE. Subdivision 1 is effective July 1, 2012. Subdivision 3 is effective July 1, 2010.

Sec. 2. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

Subdivision 1. **Prohibited activities.** It is unlawful at rest areas to:

(1) dispose of travel-related trash and rubbish, except if depositing it in a designated receptacle;

(2) dump household or commercial trash and rubbish into containers or anywhere else on site; or

(3) drain or dump refuse or waste from any trailer, recreational vehicle, or other vehicle except where receptacles are provided and designated to receive the refuse or waste.

Subd. 2. **Penalty.** Violation of this section is a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to acts committed on or after that date.

Sec. 3. Minnesota Statutes 2009 Supplement, section 161.14, subdivision 62, is amended to read:

Subd. 62. **Clearwater County Veterans Memorial Highway.** (a) The following described route is designated the "Clearwater County Veterans Memorial Highway": that portion of Legislative Route No. 168, marked on August 1, 2009, as Trunk Highway 200, from its intersection with Clearwater County State-Aid Highway ~~37~~ 39 to its intersection with Legislative Route No. 169, marked on August 1, 2009, as Trunk Highway 92; and that portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

(b) The commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 4. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 64. **Veterans Memorial Highway.** Legislative Route No. 31, signed as Trunk Highway 200 as of the effective date of this section, from the border with North Dakota to the city of Mahnomen, is designated as the "Veterans Memorial Highway." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 5. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 65. **Becker County Veterans Memorial Highway.** Marked Trunk Highway 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection with County State-Aid Highway 33 to its intersection with County State-Aid Highway 39, is named and designated the "Becker County Veterans Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs.

Sec. 6. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 66. **Granite City Crossing.** The bridge over the Mississippi River on marked Trunk Highway 23 in St. Cloud is designated "Granite City Crossing." The commissioner

of transportation shall adopt a suitable design to mark this bridge and erect appropriate signs, subject to section 161.139.

Sec. 7. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

Subd. 4. Prioritization of bridge projects. (a) The commissioner shall classify all bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless the commissioner identifies a reason for proceeding otherwise, before commencing bridge projects in a lower tier, all bridge projects within a higher tier must to the extent feasible be selected and funded in the approved state transportation improvement program, at any stage in the project development process, solicited for bids, in contract negotiation, under construction, or completed.

(b) The classification of each tier is as follows:

(1) tier 1 consists of any bridge in the program that (i) has an average daily traffic count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is identified by the commissioner as a priority project;

(2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

(3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

(c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program must be under contract for repair or replacement with a new bridge that contains a load-path-redundant design, except that a specific bridge may remain in continued service if the reasons are documented in the report required under subdivision 5.

(d) All bridge projects funded under this section in fiscal year 2012 or later must include bicycle and pedestrian accommodations if both sides of the bridge are located in a city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

Bicycle and pedestrian accommodations would not be required if:

(1) a comprehensive assessment demonstrates that there is an absence of need for bicycle and pedestrian accommodations for the life of the bridge; or

(2) there is a reasonable alternative bicycle and pedestrian crossing within one-quarter mile of the bridge project.

All bicycle and pedestrian accommodations should enable a connection to any existing bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian facilities must meet or exceed federal accessibility requirements as outlined in Title II of the Americans with Disabilities Act, codified in United States Code, title 42, chapter 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United States Code, title 29, section 794.

(e) The commissioner shall establish criteria for determining the priority of bridge projects within each tier, and must include safety considerations as a criterion.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 8. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

Subd. 5. **Statewide transportation planning report.** In conjunction with each update to the Minnesota statewide transportation plan, or at least every six years, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance. The report must include:

(1) an explanation of the criteria and decision-making processes used to prioritize bridge projects;

(2) a historical and projected analysis of the extent to which all trunk highway bridges meet bridge performance targets and comply with the accessibility requirements of Title II of the Americans with Disabilities Act of 1990, Public Law 101-336;

(3) a summary of bridge projects (i) completed in the previous six years or since the last update to the Minnesota statewide transportation plan, and (ii) currently in progress under the program;

(4) a summary of bridge projects scheduled in the next four fiscal years and included in the state transportation improvement program;

(5) a projection of annual needs over the next 20 years;

(6) a calculation of funding necessary to meet the completion date under subdivision 4, paragraph (c), compared to the total amount of bridge-related funding available; and

(7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an explanation of the reasons for repair instead of replacement.

Sec. 9. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau that issues motor vehicle licenses as provided in section 373.32.

(b) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may

require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau that issues motor vehicle licenses as provided in section 373.32. The individual appointed by the commissioner as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

(c) The commissioner may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar.

(d) Despite any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.

(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

(f) If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the commissioner, conditioned upon the faithful discharge of duties as deputy registrar.

(g) ~~Until January 1, 2012, A corporation governed by chapter 302A or 317A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner, a corporation named in an application then becomes the duly appointed and qualified successor to the deputy registrar. The appointment of any corporation as a deputy registrar expires January 1, 2012. The commissioner shall appoint an individual as successor to the corporation as a deputy registrar. The commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2012.~~

(h) Each deputy registrar appointed under this subdivision shall keep and maintain office locations approved by the commissioner for the registration of vehicles and the collection of taxes and fees on vehicles.

(i) The deputy registrar shall keep records and make reports to the commissioner as the commissioner requires. The records must be maintained at the offices of the deputy registrar. The records and offices of the deputy registrar must at all times be open to the

inspection of the commissioner or the commissioner's agents. The deputy registrar shall report to the commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.

(j) The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the commissioner of management and budget. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Sec. 10. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days to the registered vehicle owner and any lienholders.

(b) The notice must:

(1) set forth the date and place of the taking;

(2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;

(3) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07;

(4) state that failure of the owner or lienholders to:

(i) exercise their right to reclaim the vehicle within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant to section 168B.08; or

(ii) exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and

(5) state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a household income at or below 50 percent of state median income~~ has the unencumbered right to retrieve any and all contents without charge.

Sec. 11. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, general assistance medical care, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator shall establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a household income at or below 50 percent of state median income~~ has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

Sec. 12. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4,~~ (a) A towing authority may not tow a motor vehicle because:

(1) the vehicle has expired registration tabs that have been expired for less than 90 days; or

(2) the vehicle is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets.

(b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

- 9.1 (1) the vehicle is parked in violation of snow emergency regulations;
9.2 (2) the vehicle is parked in a rush-hour restricted parking area;
9.3 (3) the vehicle is blocking a driveway, alley, or fire hydrant;
9.4 (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking
9.5 is prohibited;
9.6 (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the
9.7 stop sign;
9.8 (6) the vehicle is parked in a disability transfer zone or disability parking space
9.9 without a disability parking certificate or disability license plates;
9.10 (7) the vehicle is parked in an area that has been posted for temporary restricted
9.11 parking (A) at least 12 hours in advance in a home rule charter or statutory city having
9.12 a population under 50,000, or (B) at least 24 hours in advance in another political
9.13 subdivision;
9.14 (8) the vehicle is parked within the right-of-way of a controlled-access highway or
9.15 within the traveled portion of a public street when travel is allowed there;
9.16 (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to
9.17 use by fire, police, public safety, or emergency vehicles;
9.18 (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul
9.19 International Airport owned by the Metropolitan Airports Commission;
9.20 (11) a law enforcement official has probable cause to believe that the vehicle is
9.21 stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is
9.22 reasonably necessary to obtain or preserve the evidence;
9.23 (12) the driver, operator, or person in physical control of the vehicle is taken into
9.24 custody and the vehicle is impounded for safekeeping;
9.25 (13) a law enforcement official has probable cause to believe that the owner,
9.26 operator, or person in physical control of the vehicle has failed to respond to five or more
9.27 citations for parking or traffic offenses;
9.28 (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs
9.29 to use by taxicabs;
9.30 (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked
9.31 vehicle;
9.32 (16) the vehicle is parked, on a school day during prohibited hours, in a school zone
9.33 on a public street where official signs prohibit parking; or
9.34 (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section
9.35 168B.011, and subject to immediate removal under chapter 168B.

Sec. 13. Minnesota Statutes 2008, section 169.15, is amended to read:

169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.

Subdivision 1. Impeding traffic; drive at slow speed. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination of the weight of the vehicle and the grade of the highway.

Subd. 2. Intersection gridlock; stop or block traffic. (a) Except as provided in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a traffic-control signal until the driver is able to move the vehicle immediately, continuously, and completely through the intersection without impeding or blocking the subsequent movement of cross traffic.

(b) Paragraph (a) does not apply to movement of a vehicle made:

(1) at the direction of a city-authorized traffic-control agent or a peace officer;

(2) to facilitate passage of an authorized emergency vehicle with its emergency lights activated; or

(3) to make a turn, as permitted under section 169.19, that allows the vehicle to safely leave the intersection.

(c) A violation of this subdivision does not constitute grounds for suspension or revocation of the violator's driver's license.

EFFECTIVE DATE. This section is effective January 1, 2011, and applies to acts committed on or after that date.

Sec. 14. Minnesota Statutes 2008, section 169.306, is amended to read:

169.306 USE OF SHOULDERS BY BUSES.

(a) The commissioner of transportation ~~may~~ is authorized to permit the use by transit buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan area in Minnesota.~~

(b) If the commissioner permits the use of a freeway or expressway shoulder by transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council,

11.1 a local transit authority, or a transit authority created by the legislature. Drivers of these
11.2 buses must have adequate training in the requirements of paragraph (c), as determined by
11.3 the commissioner.

11.4 (c) Buses authorized to use the shoulder under this section may be operated on the
11.5 shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of
11.6 buses being operated on the shoulder may not exceed the speed of main-line traffic by
11.7 more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses
11.8 being operated on the shoulder must yield to merging, entering, and exiting traffic and
11.9 must yield to other vehicles on the shoulder. Buses operated on the shoulder must be
11.10 registered with the Department of Transportation.

11.11 (d) For the purposes of this section, the term "Metro Mobility bus" means a motor
11.12 vehicle of not less than 20 feet in length engaged in providing special transportation
11.13 services under section 473.386 that is:

11.14 (1) ~~operated by the Metropolitan Council, or operated by~~ or under contract with a
11.15 public or private entity receiving financial assistance to provide transit services from the
11.16 Metropolitan Council or the commissioner of transportation; and

11.17 (2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

11.18 (e) This section does not apply to the operation of buses on dynamic shoulder lanes.

11.19 Sec. 15. Minnesota Statutes 2009 Supplement, section 169.71, subdivision 1, is
11.20 amended to read:

11.21 Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or
11.22 operate any motor vehicle with:

11.23 (1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

11.24 (2) any objects suspended between the driver and the windshield, other than:

11.25 (i) sun visors;

11.26 (ii) rearview mirrors;

11.27 (iii) driver feedback and safety-monitoring equipment when mounted immediately
11.28 behind, slightly above, or slightly below the rearview mirror;

11.29 ~~(iii)~~ (iv) global positioning systems or navigation systems when mounted or located
11.30 near the bottommost portion of the windshield; and

11.31 ~~(iv)~~ (v) electronic toll collection devices; or

11.32 (3) any sign, poster, or other nontransparent material upon the front windshield,
11.33 sidewings, or side or rear windows of the vehicle, other than a certificate or other paper
11.34 required to be so displayed by law or authorized by the state director of the Division of
11.35 Emergency Management or the commissioner of public safety.

12.1 (b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

12.2 (c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles.

12.3 Sec. 16. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is
12.4 amended to read:

12.5 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit
12.6 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul
12.7 raw or unprocessed agricultural products and be operated with a gross vehicle weight
12.8 of up to:

12.9 (1) 90,000 pounds; and

12.10 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
12.11 subdivision 1.

12.12 (b) Notwithstanding subdivision ~~4~~ 3, paragraph (a), clause (4), a vehicle or
12.13 combination of vehicles operated under this subdivision and transporting only sealed
12.14 intermodal containers may be operated on an interstate highway if allowed by the United
12.15 States Department of Transportation.

12.16 (c) The fee for a permit issued under this subdivision is \$300.

12.17 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2008.

12.18 Sec. 17. Minnesota Statutes 2008, section 169.87, is amended by adding a subdivision
12.19 to read:

12.20 Subd. 7. **Cargo tank vehicles.** (a) Weight restrictions imposed by the commissioner
12.21 under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent
12.22 axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted
12.23 roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank.

12.24 (b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle
12.25 used for propane must have an operating gauge on the cargo tank that shows the amount of
12.26 propane as a percent of capacity of the cargo tank. Documentation of the capacity of the
12.27 cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of
12.28 this subdivision, propane weighs 4.2 pounds per gallon.

12.29 (c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle
12.30 used for dyed fuel oil must utilize the forward two tank compartments and must carry
12.31 documentation of the empty weight of the cargo tank vehicle from a certified scale in the
12.32 cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds
12.33 per gallon.

(d) To the extent practicable, cargo tank vehicles that are exempt from weight restrictions under paragraph (a) shall complete deliveries on seasonally weight restricted roads by 12:00 p.m. and before the last week of April.

Sec. 18. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

Subdivision 1. **Department created.** In order to provide ~~a balanced~~ an integrated transportation system, ~~including of~~ including aeronautics, highways, motor carriers, ports, public transit, railroads, and pipelines, and including facilities for walking and bicycling, a Department of Transportation is created. The department is the principal agency of the state for development, implementation, administration, consolidation, and coordination of state transportation policies, plans, and programs.

Sec. 19. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

Subd. 2. **Transportation goals.** The goals of the state transportation system are as follows:

(1) ~~to provide safe transportation~~ minimize fatalities and injuries for transportation users throughout the state;

(2) to provide multimodal and intermodal transportation ~~that enhances mobility and economic development and provides access to all persons and businesses in Minnesota while ensuring that there is no~~ facilities and services to increase access for all persons and businesses and to ensure economic well-being and quality of life without undue burden placed on any community;

(3) to provide a reasonable travel time for commuters;

(4) to enhance economic development and provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;

(5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists and to enhance the appeal, through transportation investments, of tourist destinations across the state;

(6) to provide transit services ~~throughout~~ to all counties in the state to meet the needs of transit users;

(7) to promote ~~productivity~~ accountability through ~~system~~ systematic management of system performance and productivity through the utilization of technological advancements;

(8) to maximize the long-term benefits received for each state transportation investment;

(9) to provide for and prioritize funding for of transportation investments that, at a minimum, preserves the transportation infrastructure ensures that the state's transportation infrastructure is maintained in a state of good repair;

(10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;

(11) to promote and increase the use of high-occupancy vehicles and low-emission vehicles;

(12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;

(13) to increase ~~transit~~ use of transit as a percentage of all trips statewide by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost;

(14) to promote and increase bicycling and walking as a percentage of all trips as ~~an~~ energy-efficient, nonpolluting, and ~~healthful form~~ healthy forms of transportation;

(15) to reduce greenhouse gas emissions from the state's transportation sector; and

(16) to accomplish these goals with minimal impact on the environment.

Sec. 20. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) minimize the degradation of air ~~and~~ water quality, and the climate, including reduction in greenhouse gas emissions;

(4) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(5) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(6) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(7) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

15.1 (8) recommend to the legislature appropriate changes in law necessary to carry out
15.2 the mission and improve the performance of the department.

15.3 Sec. 21. [174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.

15.4 Subdivision 1. Council established. A Minnesota Council on Transportation
15.5 Access is established to study, evaluate, oversee, and make recommendations to improve
15.6 the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of
15.7 transportation services provided to the transit public. "Transit public" means those persons
15.8 who utilize public transit and those who, because of mental or physical disability, income
15.9 status, or age are unable to transport themselves and are dependent upon others for
15.10 transportation services.

15.11 Subd. 2. Duties of council. In order to accomplish the purposes in subdivision 1,
15.12 the council shall adopt a biennial work plan that must incorporate the following activities:

15.13 (1) compile information on existing transportation alternatives for the transit public,
15.14 and serve as a clearinghouse for information on services, funding sources, innovations,
15.15 and coordination efforts;

15.16 (2) identify best practices and strategies that have been successful in Minnesota and
15.17 in other states for coordination of local, regional, state, and federal funding and services;

15.18 (3) recommend statewide objectives for providing public transportation services
15.19 for the transit public;

15.20 (4) identify barriers prohibiting coordination and accessibility of public
15.21 transportation services and aggressively pursue the elimination of those barriers;

15.22 (5) recommend policies and procedures for coordinating local, regional, state, and
15.23 federal funding and services for the transit public;

15.24 (6) identify stakeholders in providing services for the transit public, and seek input
15.25 from them concerning barriers and appropriate strategies;

15.26 (7) recommend guidelines for developing transportation coordination plans
15.27 throughout the state;

15.28 (8) encourage all state agencies participating in the council to purchase trips within
15.29 the coordinated system;

15.30 (9) facilitate the creation and operation of transportation brokerages to match
15.31 riders to the appropriate service, promote shared dispatching, compile and disseminate
15.32 information on transportation options, and promote regional communication;

15.33 (10) encourage volunteer driver programs and recommend legislation to address
15.34 liability and insurance issues;

15.35 (11) recommend minimum performance standards for delivery of services;

- 16.1 (12) identify methods to eliminate fraud and abuse in special transportation services;
- 16.2 (13) develop a standard method for addressing liability insurance requirements for
- 16.3 transportation services purchased, provided, or coordinated;
- 16.4 (14) design and develop a contracting template for providing coordinated
- 16.5 transportation services;
- 16.6 (15) recommend an interagency uniform contracting and billing and accounting
- 16.7 system for providing coordinated transportation services;
- 16.8 (16) encourage the design and development of training programs for coordinated
- 16.9 transportation services;
- 16.10 (17) encourage the use of public school transportation vehicles for the transit public;
- 16.11 (18) develop an allocation methodology that equitably distributes transportation
- 16.12 funds to compensate units of government and all entities that provide coordinated
- 16.13 transportation services;
- 16.14 (19) identify policies and necessary legislation to facilitate vehicle sharing; and
- 16.15 (20) advocate aggressively for eliminating barriers to coordination, implementing
- 16.16 coordination strategies, enacting necessary legislation, and appropriating resources to
- 16.17 achieve the council's objectives.
- 16.18 Subd. 3. **Membership.** (a) The council is comprised of the following 17 members:
- 16.19 (1) two members of the senate appointed by the Subcommittee on Committees of the
- 16.20 Committee on Rules and Administration, one of whom must be a member of the minority;
- 16.21 (2) two members of the house of representatives, one appointed by the speaker of the
- 16.22 house and one appointed by the minority leader;
- 16.23 (3) one representative from the Office of the Governor;
- 16.24 (4) one representative from the Council on Disability;
- 16.25 (5) one representative from the Minnesota Public Transit Association;
- 16.26 (6) the commissioner of transportation or a designee;
- 16.27 (7) the commissioner of human services or a designee;
- 16.28 (8) the commissioner of health or a designee;
- 16.29 (9) the chair of the Metropolitan Council or a designee;
- 16.30 (10) the commissioner of education or a designee;
- 16.31 (11) the commissioner of veterans affairs or a designee;
- 16.32 (12) one representative from the Board on Aging;
- 16.33 (13) the commissioner of employment and economic development or a designee;
- 16.34 (14) the commissioner of commerce or a designee; and
- 16.35 (15) the commissioner of finance or a designee.

17.1 (b) All appointments required by paragraph (a) must be completed by August
17.2 1, 2010.

17.3 (c) The commissioner of transportation or a designee shall convene the first meeting
17.4 of the council within two weeks after the members have been appointed to the council.
17.5 The members shall elect a chairperson from their membership at the first meeting.

17.6 (d) The Department of Transportation and the Department of Human Services shall
17.7 provide necessary staff support for the council.

17.8 Subd. 4. **Report.** By January 15 of each year, beginning in 2012, the council shall
17.9 report its findings, recommendations, and activities to the governor's office and to the
17.10 chairs and ranking minority members of the legislative committees with jurisdiction
17.11 over transportation, health, and human services, and to the legislature as provided under
17.12 section 3.195.

17.13 Subd. 5. **Reimbursement.** Members of the council shall receive reimbursement
17.14 of expenses as provided in section 15.059, subdivision 3.

17.15 Subd. 6. **Expiration.** This section expires June 30, 2014.

17.16 Sec. 22. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

17.17 Subd. 5. **Commuter Rail Corridor Coordinating Committee.** (a) A Commuter
17.18 Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner
17.19 on issues relating to the alternatives analysis, environmental review, advanced corridor
17.20 planning, preliminary engineering, final design, implementation method, construction of
17.21 commuter rail, public involvement, land use, service, and safety. The Commuter Rail
17.22 Corridor Coordinating Committee shall consist of:

17.23 (1) one member representing each significant funding partner in whose jurisdiction
17.24 the line or lines are located;

17.25 (2) one member appointed by each county in which the corridors are located;

17.26 (3) one member appointed by each city in which advanced corridor plans indicate
17.27 that a station may be located;

17.28 (4) two members appointed by the commissioner, one of whom shall be designated
17.29 by the commissioner as the chair of the committee;

17.30 (5) one member appointed by each metropolitan planning organization through
17.31 which the commuter rail line may pass; ~~and~~

17.32 (6) one member appointed by the president of the University of Minnesota, if a
17.33 designated corridor provides direct service to the university; and

17.34 (7) two ex-officio members who are members of labor organizations operating
17.35 in, and with authority for, trains or rail yards or stations junctioning with freight and

18.1 commuter rail lines on corridors, with one member appointed by the speaker of the house
18.2 and the other member appointed by the senate Rules and Administration Subcommittee
18.3 on Committees.

18.4 (b) A joint powers board existing on April 1, 1999, consisting of local governments
18.5 along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in
18.6 place of the committee.

18.7 (c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

18.8 Sec. 23. Minnesota Statutes 2008, section 219.01, is amended to read:

18.9 **219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.**

18.10 (a) The track safety standards of the United States Department of Transportation and
18.11 Federal Railroad Administration apply to railroad trackage and are the standards for the
18.12 determination of unsafe trackage within the state.

18.13 (b) The commissioner of transportation shall apply to the Federal Railroad
18.14 Administration under Public Law 110-432, the Railroad Safety Enhancement Act of
18.15 2008 (the act), for (1) railroad safety technology grant funding available under section
18.16 105 of the act and (2) development and installation of rail safety technology, including
18.17 provision for switch position indicator signals in nonsignalized main track territory,
18.18 under section 406 of the act. The commissioner shall respond and make application to
18.19 the Federal Railroad Administration notice of funds availability under the Rail Safety
18.20 Assurance Act in a timely manner and before the date of the program deadline to assure
18.21 full consideration of the application. The commissioner shall (i) prioritize grant requests
18.22 for the installation of switch indicator signals on all segments of nonsignalized track
18.23 where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in
18.24 each year after 2010 until all nonsignalized track territory in the state has switch indicator
18.25 signals installed and in operation.

18.26 (c) Prior to applying for funds under paragraph (b), the commissioner shall solicit
18.27 grant requests from all eligible railroads. The commissioner shall submit written notice to
18.28 the chairs of the legislative committees with jurisdiction over transportation policy and
18.29 finance of an acceptance by a class I or class II railroad of federal grant program funding
18.30 for switch point indicator monitor systems.

18.31 (d) Participating railroads shall provide the 20 percent nonfederal match. Railroads
18.32 shall provide all technical documentation requested by the commissioner and required by
18.33 the Federal Railroad Administration for the applications under paragraph (b). Railroads
18.34 are responsible for developing, acquiring, and installing all rail safety technology obtained

19.1 under this section in accordance with requirements established by the Federal Railroad
19.2 Administration.

19.3 Sec. 24. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision
19.4 to read:

19.5 Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad
19.6 employees" means a motor carrier engaged in the for-hire transportation of railroad
19.7 employees of a class I or II common carrier, as defined in Code of Federal Regulations,
19.8 title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with
19.9 a common carrier, as defined in section 218.011, subdivision 10.

19.10 Sec. 25. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

19.11 Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service"
19.12 means a service provided by a person engaged in the for-hire transportation of passengers
19.13 in a vehicle designed to transport seven or fewer persons, including the driver.

19.14 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small
19.15 vehicle passenger service" also includes for-hire transportation of persons who are certified
19.16 by the Metropolitan Council to use special transportation service provided under section
19.17 473.386, in a vehicle designed to transport not more than 15 persons including the driver,
19.18 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

19.19 (c) Small vehicle passenger service does not include a motor carrier of railroad
19.20 employees.

19.21 Sec. 26. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

19.22 (a) A motor carrier of railroad employees must meet the requirements specified in
19.23 this section, is subject to section 221.291, and is otherwise exempt from the provisions
19.24 of this chapter.

19.25 (b) A vehicle operator for a motor carrier of railroad employees who transports
19.26 passengers must:

19.27 (1) have a valid driver's license under chapter 171; and

19.28 (2) submit to a physical examination.

19.29 (c) The carrier must implement a policy that provides for annual training and
19.30 certification of the operator in:

19.31 (1) safe operation of the vehicle transporting railroad employees;

19.32 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

19.33 (3) handling emergency situations;

20.1 (4) proper use of seat belts;
20.2 (5) performance of pretrip and posttrip vehicle inspections, and inspection record
20.3 keeping; and
20.4 (6) proper maintenance of required records.

20.5 (d) The carrier must:
20.6 (1) perform a background check or background investigation of the operator;
20.7 (2) annually verify the operator's driver's license;
20.8 (3) document meeting the requirements in this subdivision, and maintain the file
20.9 at the carrier's business location;

20.10 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless
20.11 of the seating capacity of the vehicle; and
20.12 (5) maintain uninsured and underinsured coverage in a minimum amount of
20.13 \$1,000,000.

20.14 If a party contracts with the motor carrier on behalf of the railroad to transport the railroad
20.15 employees, then the insurance requirements may be satisfied by either that party or the
20.16 motor carrier, so long as the motor carrier is a named insured or additional insured under
20.17 any policy.

20.18 (e) A person who sustains a conviction of violating section 169A.25, 169A.26,
20.19 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to
20.20 169A.53 of the implied consent law, or who is convicted of or has their driver's license
20.21 revoked under a similar statute or ordinance of another state, may not operate a vehicle
20.22 under this subdivision for five years from the date of conviction. A person who sustains a
20.23 conviction of a moving offense in violation of chapter 169 within three years of the first
20.24 of three other moving offenses may not operate a vehicle under this subdivision for one
20.25 year from the date of the last conviction. A person who has ever been convicted of a
20.26 disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may
20.27 not operate a vehicle under this subdivision.

20.28 (f) An operator who sustains a conviction as described in paragraph (e) while
20.29 employed by the carrier shall report the conviction to the carrier within ten days of the
20.30 date of the conviction.

20.31 (g) A carrier must implement a mandatory alcohol and controlled substance testing
20.32 program as provided under sections 181.950 to 181.957 that consists of preemployment
20.33 testing, postaccident testing, random testing, reasonable suspicion testing, return-to-duty
20.34 testing, and follow-up testing.

20.35 (h) A motor carrier of railroad employees shall not allow or require a driver to drive
20.36 or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours

of combined on-duty time and drive time since last obtaining eight consecutive hours of off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive days. After 24 hours off duty, a driver begins a new seven consecutive day period and on-duty time is reset to zero.

(i) An operator who encounters an emergency and cannot, because of that emergency, safely complete a transportation assignment within the ten-hour maximum driving time permitted under paragraph (h), may drive for not more than two additional hours in order to complete that transportation assignment or to reach a place offering safety for the occupants of the vehicle and security for the transport motor vehicle, if the transportation assignment reasonably could have been completed within the ten-hour period absent the emergency.

(j) A carrier shall maintain and retain for a period of six months accurate time records that show the time the driver reports for duty each day; the total number of hours of on-duty time for each driver for each day; the time the driver is released from duty each day; and the total number of hours driven each day.

(k) For purposes of this subdivision, the following terms have the meanings given:

(1) "conviction" has the meaning given in section 609.02; and

(2) "on-duty time" means all time at a terminal, facility, or other property of a contract carrier or on any public property waiting to be dispatched. On-duty time includes time spent inspecting, servicing, or conditioning the vehicle.

EFFECTIVE DATE. Paragraph (d), clause (5), is effective July 1, 2011.

Sec. 27. Minnesota Statutes 2008, section 360.061, subdivision 3, is amended to read:

Subd. 3. **Municipality.** "Municipality" does not include a county unless the county owns or controls an airport, in which case such county may exercise all the powers granted by said sections to other municipalities. It specifically includes a town, an airport authority, the Metropolitan Airports Commission established and operated pursuant to chapter 473, and the state of Minnesota.

Sec. 28. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

Subd. 2a. **~~Hardship~~ Loans for acquisition and relocation.** (a) The council may make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway right-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the fair market

value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The council may make ~~hardship~~ loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal or state financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway right-of-way or project as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359; and

(4) the council agrees to and approves the fair market value of the homestead property, which approval shall not be unreasonably withheld; ~~and~~

~~(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by the owner's employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.~~

(c) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.

(2) "Homestead property" means: (i) a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres; or (ii) a manufactured home, as defined in section 327B.01, subdivision 13.

(3) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.

Sec. 29. Minnesota Statutes 2008, section 473.411, subdivision 5, is amended to read:

Subd. 5. **Use of public roadways and appurtenances.** The council may use for the purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision

any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or other appurtenance of a roadway, without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance. The provisions of this subdivision do not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance is not required; except that if the council seeks to use a designated parkway for regular route service in the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the council, two members of the board of park commissioners, and a fifth member jointly selected by the ~~representatives of the council and the park~~ other members of the board. If the use is a designated Minneapolis parkway for regular route service adjacent to the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the council, two members of the board of park commissioners, and a fifth member jointly selected by other members of the board. The joint board must include a nonvoting member appointed by the council of the city in which the parkway is located.

The board of park commissioners and the council may designate persons to sit on the joint board. In considering a request by the council to use designated parkways for additional routes or trips, the joint board consisting of the council or their designees, the board of park commissioners or their designees, and the fifth member, shall base its decision to grant or deny the request based on the criteria to be established by the joint board. The decision to grant or deny the request must be made within 45 days of the date of the request. The park board must be notified immediately by the council of any temporary route detours. If the park board objects to the temporary route detours within five days of being notified, the joint board must convene and decide whether to grant the request, otherwise the request is deemed granted. If the agency objects to the proposed use or claims reimbursement from the council for additional cost of maintenance, it may commence an action against the council in the district court of the county wherein the highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in the action must conform to the Rules of Civil Procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin the use by the council. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment

to the agency for the amount of the additional costs. Otherwise the court shall award judgment to the council. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The council may also use land within the right-of-way of any state highway or other public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions stated in this subdivision and subject only to the approval of the commissioner of transportation where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

Sec. 30. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

Subd. 1a. **Towed motor vehicles.** A person who tows and stores a motor vehicle at the request of a law enforcement officer shall have a lien on the motor vehicle for the value of the storage and towing and the right to retain possession of the motor vehicle until the lien is lawfully discharged. This section does not apply to tows ~~authorized in section 169.041, subdivision 4, clause (1) of vehicles parked in violation of snow emergency regulations.~~

Sec. 31. Laws 2008, chapter 287, article 1, section 122, is amended to read:

Sec. 122. NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.

(a) Any extinguishment of town interest in a town road under Minnesota Statutes, section 164.06, subdivision 2, is hereby nullified if:

(1) the interest was not recorded or filed with the county recorder but was recorded or filed with the county auditor prior to 1972;

(2) the state or a political subdivision has constructed or funded a road or bridge improvement on a right-of-way affected by the interest;

(3) the affected road was the only means of access to a property;

(4) the extinguishment took place within the last ten years; and

(5) a person whose only access to property was lost because of the extinguishment files a petition of a nullification with the town board stating that the person's property became landlocked because of the extinguishment and that the road satisfies all of the requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or recorded with the county auditor must be attached to the petition. The town shall file the petition with the county auditor and record it with the county recorder.

(b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to

be a cartway. No additional damages or other payments may be required other than those paid at the time the fee interest was originally acquired and the order filed with the county auditor. A cartway created by this paragraph may be converted to a private driveway under Minnesota Statutes, section 164.08, subdivision 2.

(c) For purposes of this section, "affected road" means the road in which the town board extinguished its interest.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 32. ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR CITY OF FARMINGTON.

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar, the commissioner of public safety shall appoint a municipal deputy registrar of motor vehicles for the city of Farmington to operate a new full-service Office of Deputy Registrar, with full authority to function as a registration and motor vehicle tax collection bureau, at the city hall in the city of Farmington. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, apply to the office.

EFFECTIVE DATE; LOCAL APPROVAL. This section is effective the day after the governing body of the city of Farmington and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 33. REPEALER.

Minnesota Statutes 2008, sections 13.721, subdivision 4; 169.041, subdivisions 3 and 4; and 221.0355, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, and 18, are repealed.

13.721 TRANSPORTATION DATA CODED ELSEWHERE.

Subd. 4. **Transporting hazardous material or waste; permit application.** Data submitted under section 221.0355, subdivision 9, and received by the commissioner of transportation on applications for permits to transport hazardous material or hazardous waste are classified under section 221.0355, subdivision 9.

169.041 TOWING AUTHORIZED.

Subd. 3. **Four-hour waiting period.** In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.

Subd. 4. **Towing allowed.** A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
- (16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or
- (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

221.0355 UNIFORM HAZARDOUS MATERIAL AND HAZARDOUS WASTE REGISTRATION AND PERMIT REQUIREMENTS.

Subdivision 1. **Purpose.** The purpose of this section is to enable Minnesota to participate in establishing, implementing, and administering a uniform registration and permitting program for persons who transport or ship hazardous material or hazardous waste by motor vehicle on the public highways in interstate or intrastate commerce. The program's procedures and requirements must conform to those contained in the report submitted to the secretary of transportation pursuant to the "Hazardous Materials Transportation Uniform Safety Act of 1990," United States Code, title 49 appendix, section 1819, subsection (c).

Subd. 2. **Definitions.** For purposes of this section, the following words and phrases have the meanings given them in this subdivision:

APPENDIX

Repealed Minnesota Statutes: s2540-1

(a) "Base state" means the state selected by a carrier according to the procedures established by the uniform program.

(b) "Base state agreement" means the agreement between participating states electing to register or permit carriers of hazardous material or hazardous waste.

(c) "Carrier" means a person who operates a motor vehicle used to transport hazardous material or hazardous waste.

(d) "Designated hazardous material" means a hazardous material described in Code of Federal Regulations, title 49, section 107.601, which is incorporated by reference.

(e) "Hazardous material" means:

(1) a hazardous material when the hazardous material is of a type or in a quantity that requires the transport vehicle to be placarded in accordance with Code of Federal Regulations, title 49, part 172; or

(2) a hazardous substance or marine pollutant when transported in bulk packaging as defined in Code of Federal Regulations, title 49, section 171.8, which is incorporated by reference.

(f) "Hazardous material transportation" means the transportation of hazardous material or hazardous waste, or both, on the public highways.

(g) "Hazardous waste" means hazardous waste of a type and amount that requires the shipment to be accompanied by a uniform hazardous waste manifest described in Code of Federal Regulations, title 40, part 262, including state-designated hazardous wastes when a list of state-designated hazardous wastes has been filed by the state with the national repository under the uniform program.

(h) "Participating state" means a state electing to participate in the uniform program by entering a base state agreement.

(i) "Person" means an individual, firm, copartnership, cooperative, company, association, limited liability company, corporation, or public entity.

(j) "Public entity" means a carrier who is a federal or state agency or political subdivision.

(k) "Shipper" means a person who offers a designated hazardous material to another person for shipment or who causes a designated hazardous material to be transported or shipped by another person.

(l) "Uniform application" means the uniform motor carrier registration and permit application form established under the uniform program.

(m) "Uniform program" means the Uniform State Hazardous Materials Transportation Motor Carrier Registration and Permit Program established in the report submitted to the secretary of transportation pursuant to the "Hazardous Materials Transportation Uniform Safety Act of 1990," United States Code, title 49 appendix, section 1819, subsection (c).

Subd. 3. **General requirements; exceptions.** Except as provided in subdivision 17, after October 1, 1994:

(a) No carrier, other than a public entity, may transport a hazardous material by motor vehicle in Minnesota unless it has complied with subdivision 4.

(b) No carrier, other than a public entity, may transport a hazardous waste in Minnesota unless it has complied with subdivisions 4 and 5.

(c) No shipper may offer a designated hazardous material for shipment or cause a designated hazardous material to be transported or shipped in Minnesota unless it has complied with subdivision 7.

(d) No carrier, other than a public entity, may transport a designated hazardous material by rail or water in Minnesota unless it has complied with subdivision 7a.

(e) No public entity may transport a hazardous material or hazardous waste by motor vehicle in Minnesota unless it has complied with subdivision 8.

(f) A carrier registered under this section, who exclusively offers designated materials for shipment only in vehicles controlled or operated by that carrier and who does not offer hazardous materials to other private or for-hire carriers, is not required to register as a shipper under subdivision 7.

Subd. 4. **Hazardous material registration and permit.** (a) A carrier with its principal place of business in Minnesota or that designates Minnesota as its base state, shall register its hazardous material transportation with and obtain a permit from the commissioner before transporting a hazardous material or hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall register its hazardous material transportation with and obtain a permit from that state before transporting a hazardous material or hazardous waste in Minnesota.

(b) A carrier who engages in the interstate transportation of a hazardous material and who is required to register its hazardous material transportation in Minnesota shall file parts I and II of the uniform application with the commissioner and pay an administrative processing fee of \$50

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and an apportioned vehicle registration fee. The amount of the apportioned vehicle registration fee must be calculated under subdivision 6. A carrier who engages only in the intrastate transportation of a hazardous material, excluding hazardous waste, and who is required to register its hazardous material transportation in Minnesota shall file part I of the uniform application, pay a vehicle registration fee of \$15 for each vehicle it operates, and pay no apportioned fee.

(c) Upon a carrier's compliance with this subdivision, the commissioner shall issue a notice of registration form and a permit to the carrier. A notice of registration form must include a company registration number. A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(d) A registered carrier shall maintain a copy of the notice of registration form and the permit in each vehicle it uses to transport a hazardous material or hazardous waste.

(e) A carrier with a permit shall annually certify that its current operations are not substantially different from its operations on the date it obtained its permit and shall recertify its compliance with applicable laws and regulations in part II of the uniform application when it renews its registration under this subdivision. Failure to comply with the certifications in part II is prohibited.

Subd. 5. Hazardous waste transporter. (a) A carrier with its principal place of business in Minnesota or who designates Minnesota as its base state shall file a disclosure statement with and obtain a permit from the commissioner that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall file a disclosure statement with and obtain a permit from that state that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(b) A disclosure statement must include the information contained in part III of the uniform application. The commissioner shall not issue a notice of registration or permit to a hazardous waste transporter who has not made a full and accurate disclosure of the required information or paid the fees required by this subdivision. Making a materially false or misleading statement in a disclosure statement is prohibited.

(c) The commissioner shall assess a carrier the actual costs incurred by the commissioner for conducting the uniform program's required investigation of the information contained in a disclosure statement.

Subd. 6. Apportioned vehicle registration fee calculation. (a) An apportioned vehicle registration fee shall be equal to the percentage of Minnesota transportation multiplied by the percentage of hazardous material transportation multiplied by the total number of vehicles the carrier operates multiplied by a per-vehicle fee of \$30.

(b) A carrier shall calculate its percentage of Minnesota transportation and its percentage of hazardous material transportation as follows:

(1) A carrier shall determine its percentage of Minnesota transportation by dividing the number of miles it traveled in Minnesota under the international registration plan, pursuant to section 168.187, during the previous year, by the number of miles it traveled in the United States and Canada under the international registration plan during the previous year. If a carrier operated only in Minnesota, it must use 100 percent of the miles traveled as its percentage of Minnesota transportation. If a carrier does not register its vehicles through the international registration plan, it must calculate the number of miles traveled in the manner required under the international registration plan. If a carrier operates more than one fleet under the international registration plan the carrier must add all miles traveled by all vehicles in all fleets to calculate its mileage. A Minnesota carrier who operates in an adjacent state under a reciprocal agreement with that state must include the miles operated under the agreement as miles traveled in Minnesota in calculating mileage under this clause.

(2) A carrier shall determine its percentage of hazardous material transportation as follows:

(i) for less-than-truckload shipments, it must divide the weight of the carrier's hazardous material and hazardous waste shipments transported during the previous year by the total weight of all shipments transported during the previous year; or

(ii) for truckload shipments, it must divide the number of shipments transported during the previous year for which placarding, marking, or manifesting, was required by Code of Federal Regulations, title 49, part 172, by the total number of all shipments transported during the previous year.

(c) A carrier that transports both truckload and less-than-truckload shipments of hazardous material or hazardous waste must determine its percentage of hazardous material transportation

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by calculating the absolute percentage of business that is hazardous material transportation on a proportional basis with the percentage of business that is not hazardous material transportation or by calculating its percentage within the ranges allowed following procedures under the uniform program.

(d) A carrier may use data from its most recent complete fiscal year or the most recent complete calendar year in calculating the percentages required in this subdivision for transportation conducted during the previous year.

Subd. 7. **Shipper registration.** (a) A shipper who maintains a distribution, terminal, warehouse, or other facility in Minnesota used to ship hazardous material or hazardous waste and who is required to comply with Code of Federal Regulations, title 49, sections 107.601 to 107.620, shall file, with the commissioner, a complete and accurate copy of its current registration statement, on the form described in Code of Federal Regulations, title 49, section 107.608, and a copy of its current federal certificate of registration. The fee for filing a shipper registration statement is \$250. If a shipper is required to pay a fee under section 299K.095, the commissioner shall credit the actual amount paid by the shipper during the previous 12 months toward payment of the fee required in this subdivision, not to exceed \$250 annually.

(b) Upon a shipper's compliance with this subdivision, the commissioner shall issue a certificate of registration to the shipper. A certificate of registration must bear an effective date and show the shipper's Minnesota hazardous material transportation registration number. A certificate of registration is valid for one year from the date it is issued and must be kept at the shipper's principal place of business.

(c) A shipper whose name, principal place of business, or business telephone number has changed during the time a certificate of registration is effective, shall notify the commissioner of the change by submitting an amended registration statement not later than 30 days after the change. Upon receiving an amended registration statement, the commissioner shall issue an amended certificate of registration. There is no fee for filing an amended registration statement or for issuing an amended certificate of registration.

Subd. 7a. **Rail and water carriers.** (a) A carrier of hazardous material by rail or water who is required to comply with Code of Federal Regulations, title 49, sections 107.601 to 107.620, shall file with the commissioner a complete and accurate copy of its current registration statement, on the form described in Code of Federal Regulations, title 49, section 107.608, and a copy of its current federal certificate of registration. The fee for filing the registration statement is \$250. If the carrier is required to pay a fee under section 299K.095, the commissioner shall credit the actual amount paid by carrier during the previous 12 months toward payment of the fee required in this subdivision, not to exceed \$250 annually.

(b) Upon a carrier's compliance with this subdivision, the commissioner shall issue a certificate of registration to the carrier. A certificate of registration must bear an effective date and show the carrier's Minnesota hazardous material transportation registration number. A certificate of registration is valid for one year from the date it is issued and must be kept at the carrier's principal place of business.

(c) A carrier whose name, principal place of business, or business telephone number has changed during the time a certificate of registration is effective, shall notify the commissioner of the change by submitting an amended registration statement not later than 30 days after the change. Upon receiving an amended registration statement, the commissioner shall issue an amended certificate of registration. There is no fee for filing an amended registration statement or for issuing an amended certificate of registration.

Subd. 8. **Public entity registration.** (a) A public entity with its principal place of business in Minnesota or that designates Minnesota as its base state, shall register its hazardous material transportation with the commissioner before transporting a hazardous material or hazardous waste in Minnesota. A public entity that designates another participating state as its base state shall register its hazardous material transportation with that state before transporting a hazardous material or hazardous waste in Minnesota.

(b) A public entity that is required to register its hazardous material transportation in Minnesota shall file part I of the uniform application with the commissioner. There is no fee for the registration required in this subdivision.

(c) Upon a public entity's compliance with this subdivision, the commissioner shall issue a notice of registration form to the public entity. The notice of registration form must include a registration number. A registration is valid for one year from the date a notice of registration form is issued.

(d) A registered public entity shall maintain a copy of the notice of registration form in each vehicle it uses to transport hazardous material or hazardous waste.

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Subd. 9. **Application data.** The following data submitted to the commissioner under subdivisions 4 and 5 are private data, with respect to data on individuals, and nonpublic data, with respect to data not on individuals: information contained in parts II and III of the uniform application relating to a carrier's customers and service provided to specific customers, financial balance sheet and income statement data, ownership and debt liability data, and information relating to a carrier's parent companies, affiliates, and subsidiaries. For the purpose of administering or enforcing the uniform program, the commissioner may disclose any information classified as private data on individuals or nonpublic data by this subdivision to the United States Department of Transportation, any other participating state or state agency, or to the national repository established under the uniform program.

Subd. 10. **Enforcement.** The commissioner may inspect or examine any motor vehicle or facility operated by a carrier or any facility operated by a person who ships, or offers for shipment, hazardous material or hazardous waste and may require the production of papers, books, records, documents, or other evidentiary material necessary to determine if a carrier or shipper is accurately reporting its hazardous material transportation operations and is otherwise complying with this section and the uniform program. The commissioner also may conduct investigations and audits necessary to determine if a carrier is entitled to a permit or to make suspension or revocation determinations.

Subd. 11. **Administrative penalties.** The commissioner may issue an order requiring violations of this section to be corrected. An order may include the administrative assessment of a monetary penalty up to a maximum of \$10,000 for all violations of this section identified during a single inspection, investigation, or audit. Section 221.036 applies to administrative penalty orders issued under this section. Penalties collected under this section must be deposited in the state treasury and credited to the trunk highway fund.

Subd. 12. **Suspension, revocation, and denial.** (a) The commissioner may suspend or revoke a permit issued under this section or order the suspension of the transportation of hazardous material or hazardous waste in Minnesota by a carrier who has obtained a permit from another participating state under the uniform program if the commissioner determines that a carrier:

(1) committed a violation of Code of Federal Regulations, title 49, parts 100 to 180, 383, 387, or 390 to 397, while engaging in hazardous materials transportation if the violation posed an imminent hazard to the public or the environment;

(2) made a knowing falsification of a material fact in a uniform application;

(3) has received an unsatisfactory safety rating from the state or the United States Department of Transportation; or

(4) has exhibited reckless disregard for the public and the environment.

(b) In determining if a carrier has exhibited reckless disregard for the public and the environment in violation of paragraph (a), clause (4), the commissioner shall consider:

(1) whether the carrier has engaged in a pattern of violations of Code of Federal Regulations, title 49, parts 100 to 180, 383, 387, or 390 to 397, or regulations governing the management of hazardous waste, while engaging in hazardous materials transportation, when the violations are viewed in relation to the number of truck-miles of hazardous material transportation and the number of vehicles in the carrier's fleet;

(2) the actual or potential level of environmental damage resulting from an incident or a violation of the federal regulations described in paragraph (a), clause (1);

(3) the response by the carrier to an incident or a violation of the federal regulations described in paragraph (a), clause (1);

(4) the carrier's history of violations for the past three years;

(5) any mitigating factors; and

(6) other factors as justice requires, if the commissioner specifically identifies the additional factors in the order of suspension or revocation.

(c) The commissioner may not issue a permit to a carrier if the commissioner determines that a carrier's conduct would constitute grounds for suspension or revocation under this subdivision. A carrier who wishes to contest a denial, suspension, or revocation is entitled to a hearing under chapter 14.

Subd. 13. **Base state agreement.** The commissioner may enter into agreements with federal agencies, a national repository, or other participating states as necessary to allow the reciprocal registration and permitting of carriers transporting hazardous material or hazardous waste. The agreements may include procedures for determining a base state, the collection and distribution of registration fees, dispute resolution, the exchange of information for reporting and enforcement purposes, and other provisions necessary to fully implement, administer, and enforce the uniform program.

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Subd. 14. **Preemption.** This section preempts and supersedes any hazardous material or hazardous waste transportation registration or permitting program administered or enforced by any state agency, city, county, or other political subdivision of the state.

Subd. 16. **Revolving account.** (a) The commissioner shall deposit in a separate account in the trunk highway fund all federal funds received for implementing, administering, and enforcing this section. Money in the account is appropriated to the commissioner for those purposes.

(b) The commissioner shall accept and disburse federal funds available for the purpose of implementing, administering, and enforcing the uniform program.

Subd. 17. **Exemptions.** This section does not apply to the intrastate transportation described as follows:

(1) the transportation of hazardous material in a vehicle controlled by a farmer and operated by a farmer or farm employee when the hazardous material is to be used on the farm to which it is transported;

(2) the transportation of a hazardous waste jointly designated as a "special waste" by the commissioner of transportation and the commissioner of the Minnesota Pollution Control Agency; or

(3) transportation by fertilizer and agricultural chemical retailers while exclusively engaged in the delivery of fertilizer and agricultural chemicals when:

(i) the delivery is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business; and

(ii) the fertilizer and agricultural chemicals are for use on the farm to which they are delivered.

Subd. 18. **Deposit and use of fees.** Fees received by the commissioner for administrative processing and investigating information in a disclosure statement must be deposited in the state treasury and credited to the trunk highway fund. Notwithstanding section 221.82, registration fees collected under subdivisions 4, 5, 7, and 7a must be deposited in the state treasury, credited to the general fund, and used to cover the costs of hazardous materials incident response capability under sections 299A.48 to 299A.52 and 299K.095.